

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-209098.2

DATE: November 1, 1982

MATTER OF: Ambo Concrete, Inc.

## DIGEST:

GAO will not consider a protest concerning a bidder's small business size status since the authority to determine conclusively questions of size status rests statutorily with the Small Business Administration.

Ambo Concrete, Inc. protests any award of a contract to Brutoco Engineering and Construction, Inc. under three solicitations issued and set aside for small businesses by the Department of the Navy for various construction projects. Brutoco was the apparent low bidder under each solicitation. Ambo believes that Brutoco's average annual receipts for the preceding three years does not meet the applicable size standard for a small business. Ambo requests that this Office investigate the matter.

Under 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration (SBA) is empowered to determine conclusively matters concerning a small business' size status for Federal procurement purposes. Pursuant to its statutory authority, the SBA has established procedures whereby bidders may challenge the size status of other bidders. 41 C.F.R. § 121.3-5 and 121.3-6 (1981). Thus, our Office does not consider such challenges. DOT Systems, Inc., B-206040, B-206095, January 26, 1982, 82-1 CPD 57.

We dismiss the protest.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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